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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PALWINDER SINGH SUGLANI,

Petitioner,

v.

MICHAEL B. MUKASEY,
United States Attorney General,

Respondent.

No. 04-75812

Agency No. A79-576-735

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 22, 2007^{**}

Before: B. FLETCHER, WARDLAW, and IKUTA, Circuit Judges.

Palwinder Singh Suglani, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") decision which summarily affirmed

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

the Immigration Judge's ("IJ") denial of his application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. Where, as here, the BIA affirms without an opinion, we review directly the IJ's decision. *See Falcon Carriche v. Ashcroft*, 350 F.3d 845, 849 (9th Cir. 2003). We review for substantial evidence and may reverse only if the evidence compels such a result. *See INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992). We deny the petition for review.

The evidence does not compel the conclusion that Suglani was persecuted on account of a protected ground or that any future persecution would be on account of a protected ground. *See Sangha v. INS*, 103 F.3d 1482, 1490-91 (9th Cir. 1997). Accordingly, substantial evidence supports the IJ's finding that Suglani failed to establish either past persecution or a well-founded fear of future persecution on account of a protected ground. *See id.*

Because Suglani did not establish eligibility for asylum, it follows that he did not satisfy the more stringent standard for withholding of removal. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003).

We dismiss the petition as to Suglani's CAT claim, because he failed to exhaust the claim before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.